

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

<p>LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY D/B/A BLUE CROSS AND BLUE SHIELD OF LOUISIANA, HMO LOUISIANA, INC., and DAVID MITCHELL, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>CELGENE CORPORATION, BRISTOL MYERS SQUIBB COMPANY, ANTHONY INSOGNA, and JEROME ZELDIS,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 1:23-cv-07871</p> <p>Hon. Edgardo Ramos</p> <p>NOTICE OF DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT</p> <p>ORAL ARGUMENT REQUESTED</p>
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PLEASE TAKE NOTICE that Defendants Celgene Corporation and Bristol Myers Squibb Company (collectively, "Celgene"), by and through its undersigned counsel, will move the Honorable Edgardo J. Ramos, United States District Judge for the Southern District of New York, Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York, on such time and date that is convenient for the Court, for an Order dismissing

Plaintiffs' Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Celgene will rely upon the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's February 22, 2024 Order, Plaintiffs shall file and serve their opposition brief by April 18, 2024, and Celgene shall file and serve its reply brief by May 2, 2024.

PLEASE TAKE FURTHER NOTICE that for the Court's convenience, a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that Celgene requests oral argument on this motion on behalf of all Defendants in the above captioned case.

Dated: March 21, 2024
New York, New York



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